

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JORGE ALEJANDRO ROJAS,

Plaintiff/Counter Defendant,

v.

Case No. 23-cv-12140
Honorable Linda V. Parker

DV INJURY LAW PLLC,
et al.,

Defendants/Counter Plaintiffs.

/

**ORDER GRANTING PLAINTIFF/COUNTER DEFENDANT’S MOTION
FOR JUDGMENT PURSUANT TO RULE 68 (ECF No. 33)**

This matter is before the Court on Jorge Alejandro Rojas (hereinafter “Plaintiff/Counter Defendant”)’s motion for judgment pursuant to Federal Rule of Civil Procedure 68. (ECF No. 33.) On March 15, 2024, pursuant to Rule 68(a), Defendants/Counter Plaintiffs offered \$1,500.00 (One-Thousand Five-Hundred Dollars) in exchange for dismissal, with prejudice, of Plaintiff’s/Counter Defendant’s complaint. (ECF No. 30.) On March 28, 2024, Plaintiff/Counter Defendant accepted the offer. (ECF No. 32.) The parties dispute whether Rule 68 requires “costs” as part of the judgment. (*See* ECF Nos. 33, 34, 35.)

In accordance with Rule 68(a), the Court must enter judgment, with costs then accrued, if, within 14 days of the offer being served, written notice of acceptance and proof of service is provided. *See* Fed. R. Civ. P. 68(a); *see also*

Mallory v. Eyrich, 922 F.2d 1273, 1279 (6th Cir. 1991) (“Rule 68 . . . leaves no discretion in the district court to do anything but enter judgment once an offer has been accepted.”); *Oates v. Oates*, 866 F.2d 203, 208 (6th Cir. 1989) (alteration added) (finding error where the clerk “refused to enter judgment because the parties had not resolved their dispute on whether ‘costs’ included attorney’s fees . . . [as] Rule 68 does not condition entry of judgment on the resolution of all issues”).

Here, Plaintiff/Counter Defendant provided written notice of acceptance, and proof of service, 13 days after receiving the offer. Therefore, the Court must enter judgment “with costs then accrued.” *See* Fed R. Civ. P. 68(a). The entry of a judgment, with costs accrued, is a “ministerial act,” for which the Court has no discretion. *See Oates*, 866 F.2d at 208.

Accordingly,

IT IS ORDERED that Plaintiff’s/Counter Defendant’s motion for entry of judgment pursuant to Rule 68 (ECF No. 33) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 2, 2024